

**Local Rule 35.     Determination of Majority for Ordering In Banc  
Consideration; Copy of Opinions or Summary Order  
Required.**

Neither vacancies nor disqualified judges shall be counted in determining the base on which "a majority of the circuit judges of the circuit who are in regular active service" shall be calculated, pursuant to 28 U.S.C. § 46(c), for purposes of ordering a hearing or rehearing in banc.

Each suggestion for rehearing in banc shall include a copy of the opinion or summary order to which the suggestion relates, unless the opinion or summary order is included in a petition for rehearing with the suggestion for rehearing in banc.